

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

MAD ATOM LLC, a California  
Limited Liability Company,  
Plaintiff,

vs.

FMC FOUNDATION, a California  
corporation; FMC CORPORATION, a  
Delaware corporation a/k/a FOOD  
MACHINERY CORPORATION; and  
DOES 1 through 10, inclusive.

Defendants.

FMC CORPORATION, a Delaware  
corporation a/k/a FOOD MACHINERY  
CORPORATION,

Counterclaimant,

vs.

MAD ATOM, LLC, a California  
Limited Liability Company,

Counterdefendant.

FMC CORPORATION, a Delaware  
corporation a/k/a FOOD MACHINERY  
CORPORATION,

Third-Party Plaintiff,

vs.

MLM Properties, LLC, a California  
Limited Liability Company,

Third-Party Defendant.

Case No. 5:22-cv-01402-SSS-SPx  
Honorable Sunshine S. Sykes

**ORDER GRANTING  
STIPULATION TO WITHDRAW  
MOTION TO REMAND [Dkt. Nos.  
22-24] AND MOTION TO DISMISS  
[Dkt. No. 26]**

1 The Court, having considered Plaintiff Mad Atom, LLC (“Mad Atom”) and  
2 Defendants FMC Corporation (“FMC”) and FMC Foundation’s (“Foundation”)  
3 (collectively, the “Parties”) Stipulation to Withdraw Mad Atom’s Motion to Remand  
4 [Dkt. Nos. 22-24] and Foundation’s Motion to Dismiss [Dkt. No. 26] ORDERS as  
5 follows:

6 1. The Motion to Remand [Dkt. Nos. 22-24] and Motion to Dismiss [Dkt. No.  
7 26] set for hearing on November 18, 2022, are withdrawn and taken off the Court’s  
8 calendar.

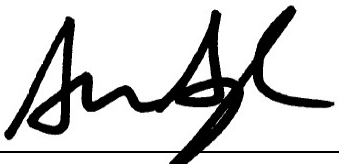
9 2. The Parties shall bear their own costs and attorneys’ fees incurred in  
10 connection with any motion involving Foundation as of the date of the Stipulation.

11 3. If Mad Atom at a later date wishes to name Foundation as a defendant in  
12 this action, Mad Atom shall file a motion to amend the operative complaint which  
13 Foundation shall have the right to oppose.

14 4. If Foundation is later named as a defendant in this action, then Mad Atom  
15 and Foundation shall have the right to seek and recover, to the extent allowed by law  
16 or contract, any and all available fees and costs (including those the Parties agree to  
17 bear on their own in this stipulation).

18  
19 IT IS SO ORDERED.

20  
21 Dated: October 5, 2022

22 By:   
23 SUNSHINE S. SYKES  
24 United States District Judge  
25  
26  
27  
28